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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,706	08/01/2001	Kenichi Nanpei	1232-4747	5403
27123	7590	03/28/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			HUNTSINGER, PETER K	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/919,706	Applicant(s) NANPEI, KENICHI	
	Examiner Peter K. Huntsinger	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/08/04, 11/28/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, and 5-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. European Publication 0862313.

Referring to claims 1, 10, and 18, Takahashi et al. disclose an image reading apparatus which comprises an image sensing unit for reading an image, and a communication unit for transferring an image signal read by the image sensing unit to an external apparatus (Fig. 1, 101 and 102), comprising: a detector for detecting presence/absence of abnormality of the communication unit (control unit 104 of Fig. 1, col. 4, lines 14-19); and a controller for, when said detector detects any abnormality of the communication unit, setting said image reading apparatus in a power saving mode (col. 19, lines 11-18).

Referring to claims 2, 11, and 19, Takahashi et al. disclose the apparatus according to claim 1, wherein at least one of an internal circuit and mechanical position of the image sensing unit is initialized in the power saving mode (col. 19, lines 11-18).

Referring to claims 3, 12, and 20, Takahashi et al. disclose the apparatus according to claim 1, wherein at least one of an internal circuit and function of the image sensing unit is set in a sleep state in the power saving mode (col. 7, lines 4-11).

Referring to claims 5, 13, and 21, Takahashi et al. disclose the apparatus according to claim 1, further comprising an A/D converter for converting the image signal output from the image sensing unit into a digital signal (col. 4, lines 5-13), wherein the communication unit transfers the digital image signal converted by said A/D converter to the external apparatus (col. 4, lines 38-44). Takahashi et al. disclose a CCD for converting the analog values into a digital image signal. It is inherent that a CCD has an A/D converter for converting light into an electric signal.

Referring to claims 6, 14, and 22, Takahashi et al. disclose the apparatus according to claim 1, wherein said detector detects any abnormality of the communication unit by detecting a change in potential of a power supply line included in the communication unit (col. 4, lines 20-24).

Referring to claims 7, 15, and 23, Takahashi et al. disclose the apparatus according to claim 1, wherein said detector detects any abnormality of the communication unit by detecting a change in potential of a data line included in the communication unit (col. 4, lines 14-20).

Referring to claims 8, 16, 24, and 27, Takahashi et al. disclose the apparatus according to claim 1, wherein the communication unit has a function of allowing to plug/unplug a cable without turning off a power supply of the external apparatus (col. 17, lines 42-45).

Referring to claims 9, 17, 25, and 28, Takahashi et al. disclose the apparatus according to claim 8, wherein the function of the communication unit complies with USB or IEEE1394 (col. 3, lines 51-56).

Referring to claim 26, Takahashi et al. disclose a storage medium that stores a program for implementing a control method (col. 19, lines 48-55) for an image reading apparatus which comprises an image sensing unit for reading an image, a communication unit for transferring an image signal read by the image sensing unit to an external apparatus, and a detector for detecting presence/absence of abnormality of the communication unit, comprising: computer readable program code means for, when the detector detects any abnormality of the communication unit (control unit 104 of Fig. 1, col. 4, lines 14-19), setting the image reading apparatus in a power saving mode (col. 19, lines 11-18).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. European Publication 0862313 as applied to claims 1, 10, and 18 above, and further in view of Ishiguro et al. U.S. Patent 6,335,805.

Referring to claim 4, Takahashi et al. disclose the apparatus according to claim 1, but do not disclose expressly a moving unit or a setting unit for controlling the light source in power save mode. Ishiguro et al. disclose a light source for irradiating a document with light (exposure lamp 101 of Fig. 1, col. 4, lines 20-26); an image sensor for converting light reflected by a document irradiated with light from said light source into an electrical image signal (CCD sensor 105 of Fig. 1, col. 4, lines 35-41); a moving unit for moving a relative position between an image of the document and said image sensor (scanner motor 102 of Fig. 1, col. 4, lines 28-30); and a setting unit for setting at least one of said light source and said moving unit in the power saving mode in accordance with a setup of said controller (col. 10, lines 37-41). Takahashi et al. and Ishiguro et al. are combinable because they both are from the same field of peripheral image sensors. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to implement the scanner of Ishiguro et al. into the image reading system of Takahashi et al. The motivation for doing so would have been to allow easy portability for the image reading device. Further, the image reading device of Ishiguro et al. is simply a generic type of image reading device which could be substituted for the image reading device of Takahashi et al. Therefore, it would be obvious to combine Ishiguro et al. with Takahashi et al. to obtain the invention as specified in claim 4.

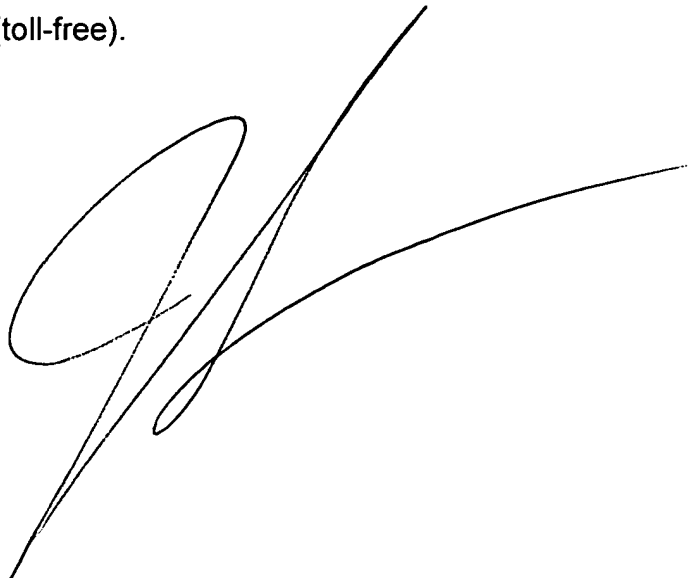
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (703)306-4088. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PKH

A handwritten signature in black ink, appearing to be 'PKH' with a large, stylized flourish extending from the end.